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Attorneys for Defendant,
OCWEN LOAN SERVICING, LLC, erroneously named herein as OCWEN, US VESSEL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CARLOS R. RIVASPLATA
LETCICIA S. ACEVEDO,

Plaintiffs,

v.

OCWEN, US Vessel
DOES, ROES, and MOES 1-100 ET AL, US
Vessel and

Defendants.

) Case No.: 3:08-CV-00490

)
) **OCWEN LOAN SERVICING, LLC'S**
) **AMENDED NOTICE OF MOTION TO**
) **DISMISS;**

) **[FRCP 12(b)(6)]**

) Honorable William H. Alsup
) DATE: July 17, 2008
) TIME: 8:00 A.M.
) PLACE: Courtroom 9, 19th Floor
) 450 Golden Gate Avenue
) San Francisco, CA 94102

TO THE COURT AND TO PLAINTIFFS HEREIN:

PLEASE TAKE NOTICE that on July 17, 2008 at 8:00AM, or as soon thereafter as the matter may be heard, in courtroom 9, 19th Floor of the above-entitled Court located at 450 Golden Gate Avenue, San Francisco, CA 94102, Defendant OCWEN LOAN SERVICING, LLC erroneously named herein as Ocwen, US Vessel ("Ocwen"), will and hereby does move the Court to dismiss Plaintiffs Carlos R. Rivasplata and Leticia S. Acevedo's ("Plaintiffs") Complaint with prejudice. The Motion is made and based upon Federal Rules of Civil Procedure 12(b)(6) on the grounds that the claims contained in Plaintiffs' Complaint fail to state a claim upon which relief can be granted.

1 This Motion is based upon this Notice of Motion, the Memorandum of Points and
2 Authorities, the Declaration of Eric D. Houser, and upon all pleadings, papers and documents on
3 file herein, as well as any oral argument which may be presented at the time of the hearing or
4 any matters of which judicial notice is requested and/or is taken.

5 DATED: June 3, 2008

HOUSER & ALLISON
A Professional Corporation

7 /s/ Jeffrey S. Allison
8 Jeffrey S. Allison
9 Attorneys for Defendant,
10 OCWEN LOAN SERVICING, LLC
erroneously named herein as Ocwen US,
11 Vessel
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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
 COUNTY OF ORANGE)

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is 9970 Research Drive, Irvine, California 92618.

On June 3, 2008, I served the following document described as:

OCWEN LOAN SERVICING, LLC'S NOTICE OF MOTION AND MEMORANDUM IN SUPPORT OF THEIR MOTION TO DISMISS; DECLARATION IN SUPPORT THEREOF

On the following interested parties in this action:

Leticia S. Acevedo 2901 Seriana Place Union City California <i>Plaintiff in Pro Se</i>	Carlos Rivasplata 2901 Seriana Place Union City California <i>Plaintiff in Pro Se</i>
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[X] VIA FIRST CLASS MAIL—CCP §§ 1013(a); 2015.5: By placing a true copy thereof enclosed in a sealed envelope(s) addressed as above, and placing each for collection and mailing on the date following ordinary business practices. I am readily familiar with my firm's business practice and collection and processing of mail with the United States Postal Service and correspondence placed for collection and mailing would be deposited with the United States Postal Service at Irvine, California, with postage thereon fully prepaid that same day in the ordinary course of business.

[] VIA FACSIMILE -- CCP §§ 1011, 2015.5: By arranging for facsimile transmission from facsimile number (949) 679-1112 to the above listed facsimile number(s) prior to 5:00 p.m. I am readily familiar with my firm's practice of collection and processing of correspondence via facsimile transmission(s) and any such correspondence would be transmitted in the ordinary course of business. The facsimile transmission(s) was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed on June 3, 2008 at Irvine, California


 Sherie L. Cleeré